IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.3560 OF 1999

Smt.Sumati Khanderao Shivalkar ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Mr.D.B.Sawant for Petitioner
Mr.R.M. Patne, A.G.P. for Respondent No.1
Mr. C.G.Gavnekar for Respondent No.2

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD MARCH, 2005.

P.C.

. The short issue is whether there is a deemed reservation under Section 127 of M.R.T.P. Act. Admittedly in the Development Plan, the land is reserved. Respondent Corporation it appears till date has not taken steps to acquire the land. For the Petitioner to get deemed reservation, notice as contemplated under Section 127 of M.R.T.P.Act has to be served on the Planning Authority. In the instant case assuming the notice dated 9th January, 1995 has been served on the Planning Authority, it is not a notice contemplated by section 127 of M.R.T.P.Act. In the light of that there is no deemed de-reservation.

2. Rule discharged. No order as to cost. It is made clear, it is always open to the Petitioner

if the Respondents have not taken steps for acquisition till date, to serve proper notice under Section 127 and if Respondents fails to acquire then to seek relief which they are entitled to.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)